

Appl. No. 10/619,656
Atty. Docket No. CM2504RQ
Amdt. dated September 17, 2007

REMARKS

Formal Matters

Claim 1 has been amended to claim a method for making a multi-ply tissue paper product from at least two tissue paper webs. Support for this amendment to Claim 1 is found on page 12, lines 10-13 of the Specification, as originally filed. Additionally, Claim 1 has been amended to require that the at least two tissue paper webs be passed through an embossing nip wherein the embossing nip attaches at least a first portion of a first tissue paper web of the at least two tissue paper webs to at least a first portion of a second tissue paper web of the at least two tissue paper webs. Support for this amendment to Claim 1 is found in Applicants' Specification on page 12, lines 16-10. Further, Claim 1 has been amended to require the additional step of calendaring both of the at least two tissue paper webs whereby the caliper of the multi-ply tissue paper product is increased by at least about 10 percent. Support for this amendment to Claim 1 is found in Applicants' Specification on page 11, lines 1-10. No new matter is presented by way of the instant amendments to Claim 1 of the pending Application. Claims 1-7 remain pending in the instant Application and are presented for the Examiner's review in light of the above amendments and the following comments.

Rejection Under 35 U.S.C. §103

It is Applicants' understanding that the only rejection pending in the instant Application is the rejection under 35 U.S.C. §103(a) over Luu, et al., U.S. Patent No. 6,352,700 in view of Applicants' admission of prior art or Kamps, et al., U.S. Patent No. 5,702,571. Previous arguments made with respect to the *Luu* and *Kamps* references remain in effect but will not be repeated for the sake of brevity. Applicants respectfully request reconsideration and withdrawal of the instant rejection for the following additional reasons:

1. Claim 1 of the instant Application has been amended to claim a method for making a multi-ply tissue paper product from at least two tissue paper webs comprising the steps of, *inter alia*, passing the at least two tissue paper webs through an embossing nip whereby the embossing attaches at least a first portion of a first tissue paper web to at least a first portion of a second tissue paper web.

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2. Additionally, Applicants' instant Claim 1 has been amended to require the additional step of calendering both of the at least two tissue paper webs wherein the calendering step increases the caliper of the tissue paper product by at least about 10 percent.

3. It was found that the instant claimed invention provides for an improved tactile sensation of softness, smoothness, and thickness and a product that avoids unwanted premature lotion transfer while ensuring good lotion transfer to a user when desired. (Specification, p. 2, ll. 18-26) Embossing all the plies of the multi-ply tissue product according to the present invention in one step can provide for the embossment of all plies in one process step. (Specification, p. 12, ll. 11-13)

4. It was also surprisingly found that combining the embossing step with a calendering step leads to a rather thick and bulky and yet still very soft paper product. More particularly, it was found that the paper tissue web, after undergoing a stretch embossing step and a calendering step, is of increased caliper as compared to an untreated web. (Specification, p. 11, ll. 7-10) This effect is particularly surprising as calendering with a high pressure is known by those of skill in the art to reduce the caliper of a paper web considerably. (Specification, p. 11, ll. 12-14)

4. Absent any specific disclosure or even a remote suggestion to provide for a process for making a multi-ply tissue product having both an embossing step and a calendering step, as claimed by Applicants, the references alone or in combination cannot render Applicants' Claim 1 obvious: "A proper obviousness analysis under 35 U.S.C. §103 requires, *inter alia*, the consideration of two factors: 1) whether the prior art would have suggested to those of ordinary skill in the art that they should make the claimed composition or device, or carry out the claimed process; and 2) whether the prior art would also have revealed that in so making or carrying out, those of ordinary skill would have a reasonable expectation of success." *See Noelle v. Lederman*, 355 F.3d 1343, 69 U.S.P.Q. 2d 1508 (Fed. Cir. 2004) Also, "both the suggestion and the reasonable expectation of success 'must be founded in the prior art, not in the applicant's disclosure.'" *See In re Vaeck*, 947 F.2d 488, 493 (Fed. Cir. 1991). In short, the *Luu* and *Kamps* references, alone or in combination, fail to disclose, teach, suggest, or render obvious each and every recited element of Applicants' amended Claim 1. Applicants

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therefore request reconsideration and withdrawal of the Examiner's 35 U.S.C. §103(a) rejection to Claim 1 and all claims dependent thereon.

Conclusion

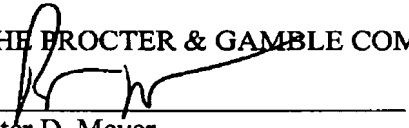
Based on all the foregoing, it is respectfully submitted that each of Applicants' remaining claims is in condition for allowance and favorable reconsideration is requested.

This response is timely filed pursuant to the provisions of 37 C.F.R. §1.8 and M.P.E.P. §512. If any additional charges are due, the Examiner is authorized to deduct such charges from Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

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